

December 13, 2022

Via CM/ECF and Email

The Honorable Sean H. Lane
United States Bankruptcy Court for the
Southern District of New York
300 Quarropas Street
White Plains, New York 10601

Re: In re 85 Flatbush RHO Mezz LLC, *et al.*,
Case No. 20-23280-shl (Bankruptcy S.D.N.Y.) (Jointly Administered)

Dear Judge Lane:

TH Holdco, LLC ("TH Holdco") submits this letter to further update the Court on the status of the remaining closing deliverables and information owed to TH Holdco under the Plan and Purchase Agreement, which is attached to and confirmed by the Confirmation Order (Docket No. 280), and the Order Resolving TH Holdco LLC's Motion to Enforce Debtors' Obligations to Cooperate with Closing on Credit Bid (Docket No. 336), which was negotiated with the Debtors and entered on an agreed basis (the "Enforcement Order").

While reserving all rights and remedies as to all persons and entities including, without limitation, as to matters subsequently discovered, at this time, TH Holdco has received sufficient cooperation with respect to the closing related items listed in its pending 2004 Motion that it does not feel the need to burden the Court with the evidentiary hearing currently scheduled for December 19, 2022. As such, TH Holdco is prepared to withdraw the 2004 Motion without prejudice to renewing it in the future, if necessary.

TH Holdco continues to reserves all rights and remedies under the Purchase Agreement, Confirmation Order, the March 2021 Final Cash Collateral Order and all other applicable orders and documents of record in these Chapter 11 cases.

TH Holdco thanks this Court for its assistance with these matters.

Very truly yours,

Dentons US LLP



Robert E. Richards

Enclosures

Cc: Lori Schwartz
Fred Ringel
Paul Aloe
Lauren Macksoud
The Office of the United States Trustee